

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

CAROL D. MCCLAUGHLIN,

Plaintiff,

v.

ANDREW SAUL, Commissioner of the Social
Security Administration,

Defendant.

Civil Action No. 5:20-cv-03048-JD-KDW

**ORDER GRANTING MOTION TO
REMAND PURSUANT TO SENTENCE
FOUR OF 42 U.S.C. § 405(g)**

Defendant Andrew M. Saul, Commissioner of the Social Security Administration (“Commissioner”), by his attorneys, M. Rhett Dehart Acting United States Attorney for the District of South Carolina, and Barbara M. Bowens, Assistant United States Attorney for the District of South Carolina has moved this court pursuant to 42 U.S.C. § 405(g) to enter a judgment with an order of reversal with remand of this case to the Commissioner for additional evaluation of Plaintiff’s claims and further administrative proceedings. Am. Mot. Remand for Further Proceedings, DE 19. Commissioner’s counsel represents that Plaintiff’s counsel consents to the motion to remand. Id.

Pursuant to the power of this court to enter a judgment affirming, modifying, or reversing the Commissioner’s decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Commissioner’s request for remand of this action for further proceedings, this Court hereby *grants* the Commissioner’s amended motion to remand (DE 19), *dismisses as moot* the earlier motion to remand (DE 18), and reverses the Commissioner’s decision

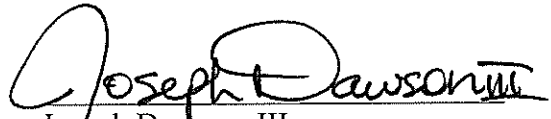
under sentence four of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further administrative proceedings. See Shalala v. Schaefer, 509 U.S. 292 (1993).

Upon remand, the Appeals Council will remand the matter to an ALJ with instructions to:

- Re-evaluate the record evidence, including the claimant's fibromyalgia, and reassess the claimant's maximum residual functional capacity; and
- Take any further action necessary to complete the administrative record resolving the above issues and issue a new decision.

The Clerk of Court is directed to enter a separate final judgment terminating this case, hereby ending this civil action pursuant to the Federal Rules of Civil Procedure 58.

IT IS SO ORDERED.


Joseph Dawson, III
United States District Judge

Greenville, South Carolina
June 3, 2021